

Exhibit A

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From: Alex Alfano <aalfano@sternekessler.com>

Date: Friday, April 19, 2024 at 3:41 PM

To: Tanner Laiche <TLaiche@susmangodfrey.com>, Mikaela Robes <mrobes@sternekessler.com>, andrea@wsfirm.com <andrea@wsfirm.com>, Bryce T. Barcelo <BBarcelo@susmangodfrey.com>, Meng Xi <MXi@susmangodfrey.com>, Wendy Kelly <wkelly@susmangodfrey.com>, Joanna Stanley <jstanley@susmanGodfrey.com>

Cc: ELVIE-DAO-HEALTH <ELVIE-DAO-HEALTH@sternekessler.com>, External-Melissa Smith (gillamsmithlaw.com) <melissa@gillamsmithlaw.com>, Tom Gorham <Tom@gillamsmithlaw.com>, Diana Arias <Diana@gillamsmithlaw.com>

Subject: RE: Dao Health v. Chiaro 2:23-cv-00289: Elvie's Identification of Dao Custodians to Know the Size and Date Ranges of the Maintained Email Files

EXTERNAL Email

Tanner,

Thank you for the call earlier. To memorialize our conversation, Dao does not have access to some of Dan Garbez's emails for two reasons. First, before 2020, Dao switched from hosting their emails with GoDaddy to Microsoft. Emails were lost during that transition, but your conversations with GoDaddy have been unfruitful, and you cannot determine the extent of the email loss. Regardless, those emails are no longer accessible.

To clarify, in or around July 2020 Dao Health switched from hosting emails with GoDaddy to Microsoft. We are not aware that emails were lost during the transition, but we are unable to determine what happened to any emails that may have been lost before the transition—i.e., what pre-2020 emails were lost (if any), why, or when—because GoDaddy no longer supports Dao Health's email workspace and no data remains on its servers.

The second issue regarding Mr. Garbez's emails is that they were sent from an email associated with a different business (not a personal email). Although you did not know for sure, you stated that the prior company could have been Youthly. Can you confirm whether this was the company? Can you also confirm whether Dao has contacted Youthly to attempt to get these emails?

Dan Garbez used a @ufleet.com email address before the formation of Dao Health that he no longer has possession, custody, or control of. We understand that the entity originally associated with the @ufleet.com domain has been dissolved and that domain has been sold.

We also discussed the email date ranges for the Dao custodians identified in my emails, namely Ron Brigg, Brian McCollum, Theresa Mulnix, Dave Paul, Jennifer Ruether, Ben, and Connor Maliesky. You confirmed that the date ranges provided in Dao's February 21 disclosure start on the respective employees' official start at Dao, when they would have received a Dao email address. You also stated that emails in the production pre-dating their tenure are from their personal or prior work emails. Can you please confirm whether Dao has attempted to collect the emails from these various personal or work accounts? Can you also provide more detail on email addresses used by these custodians?

To clarify, I said that the date ranges provided in Dao Health's February 21 disclosure roughly correspond to when the above-referenced individuals were formally hired by Dao Health and given a Dao Health email domain. I'll add that we recently learned Jennifer Ruether may have been assigned a Dao Health email domain in or around 2004, but was later assigned a new, different email domain in or around October 2014. We are unable to determine what has happened to emails from Ms. Ruether's previous domain because GoDaddy no longer maintains this information.

Also, Dao Health has not produced any documents originating from the above-mentioned individuals' personal or prior work emails because Dao Health does not have possession, custody, or control of those accounts. For that same reason, Dao Health has not attempted to collect emails from those third-party accounts.

While I understand Dao's position against answering questions informally, we believe that answering these questions via email comports with the spirit of our agreement to forego testimonial ESI discovery. If Dao continues to disagree and will not answer the above questions via email, then please advise if Dao will consent to Elvie serving an additional 5 ESI ROGs.

I trust the information I have provided above answers your questions. I'll note that although we've been willing to